



13281 U.S. PTO

ATLANTA OFFICE
SUITE 3100, PROMENADE II
110 PEACHTREE STREET, N.E.
ATLANTA, GEORGIA 30309-3592
TELEPHONE
(404) 815-3500
FACSIMILE
(404) 815-3509

Suzannah K. Sundby
(202) 263-4332
Direct Fax No. - (202) 263-4352
E-Mail - ssundby@sgrlaw.com

SMITH, GAMBRELL & RUSSELL, LLP

ATTORNEYS AT LAW
SUITE 800
1850 M STREET, N.W.
WASHINGTON, D.C. 20036
TELEPHONE (202) 263-4300
FACSIMILE (202) 263-4329
WEBSITE www.sgrlaw.com

ESTABLISHED 1893

FLORIDA OFFICE

SUITE 2600, BANK OF AMERICA TOWER
50 NORTH LAURA STREET
JACKSONVILLE, FL 32202
TELEPHONE
(904) 598-6100
FACSIMILE
(904) 598-6300

22553 U.S. PTO
10/768093



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop: New Applications

Dear Sir:

This is a request for filing a ☒ Continuation, ☐ Divisional, or ☐ Continuation-in-Part under 37 C.F.R 1.53(b) of the prior utility patent application Serial No. **09/479,877**, filed on **10 January 2000**, entitled:

TRANSFORMED BACTERIA PRODUCING CS6 ANTIGENS AS VACCINES

by the following inventor(s):

Marcia K. WOLF, Silver Spring, MD
Frederick J. CASSELS, Ellicott, MD
Edgar C. BOEDEKER, Crownsville, MD

The Examiner of the prior application is **Virginia A. PORTNER** and the Group Art Unit of the prior application is **1645**.

The Attorney Docket No. for the present application is **034047.033.1 (95-01B)**.

I. APPLICATION ELEMENTS:

- ☒ A Preliminary Amendment is enclosed (includes amendment to cross reference to related applications).
- The filing fee has been calculated on the basis of the claims existing in the prior application as amended at 1 above.

	(Col. 1)	(Col. 2)
For	No. Filed	No. Extra
Basic Fee		
Total Claims	23 =	3
Indep. Claims	5 =	2

SMALL ENTITY	
Rate	Fee
	\$385.00
x 9 =	
x 43 =	

or
or
or
or

LARGE ENTITY	
Rate	Fee
	\$770.00
x 18 =	\$54.00
x 86 =	\$172.00

☐ **Multiple Dependent Claim Presented**

*If the difference in Col. 1 is less than zero, enter "0" in Col. 2

+ 145 =	
Total	

or
or

+ 290 =	
Total	996.00

3. Small Entity Status Assertion under 35 U.S.C. 1.27(c)(1):

Applicant ☐ is ☒ **not a Small Entity.**

4. ☒ Enclosed herewith is a specification containing:

- (a) **27** pages of description;
(b) **2** pages of claims (7 claims);
(c) **1** page of Abstract

5. ☒ Enclosed herewith are **1** sheets of drawings (Figures **1-2**).

6. Oath or Declaration

- (a) ☒ A copy of the Oath or Declaration from a prior application Serial No. **09/479,877**, filed on **10 January 2000**, under 37 C.F.R. 1.63(d) which includes the Declaration as originally filed is enclosed.
(b) ☐ An newly executed Oath or Declaration is enclosed.
(c) ☐ A signed statement deleting inventor(s) named in the prior application under 37 C.F.R 1.63(d)(2) and 1.33(b) is enclosed.

7. An Application Data Sheet under 37 C.F.R. 1.76 ☐ is ☒ not enclosed.

8. Nucleotide and/or Amino Acid Sequence Submission ☒ is ☐ not enclosed.

- (a) ☐ A Computer Readable Form (CFR) of the Sequence Listing is enclosed.
(b) ☒ A request for the CFR of the Sequence Listing of the prior application Serial No. **09/479,877**, filed on **10 January 2000**, to be used in the present application is enclosed.
(c) ☒ A paper copy of Sequence Listing is enclosed ☒ and amendment directing its entry in the present application is enclosed.
(d) ☒ Statements verifying the identity of the above copies are included in the Submission of Sequence Listing.

The PTO did not receive the following listed item(s) *Page of Abstract*

II. ENCLOSURES:

We enclose the following papers for filing in the United States Patent and Trademark Office in connection with the above-identified patent application:

9. ☒ Assignment papers. The prior application is assigned of record to the United States Army, recorded on 10 August 2000, at reel/frame 011175/0069.

10. ☐ 37 C.F.R 3.73(b) Statement (where assignee).

11. Power of Attorney:
- (a) ☒ The Power of Attorney to Elizabeth Arwine, Registration No. 45,867, is in the original papers of the prior application, Serial No. 09/479,877, filed on 10 January 2000.
 - (b) ☐ A copy of the Power of Attorney from the prior application, Serial No. 09/479,877, filed on 10 January 2000.
 - (c) ☐ A newly executed Power of Attorney.
12. ☒ A copy of the prior application as originally filed, Serial No. 09/479,877, filed on 10 January 2000. The entire disclosure of the prior application is hereby incorporated by reference.
13. ☐ Information Disclosure Statement(s) and PTO 1449 which were filed in Serial No. *, filed on *, which is relied on for an earlier filing date under 35 U.S.C. 120.
- ☒ A new Information Disclosure Statement and PTO 1449 is included herewith.
14. ☒ Copies of form PTO-892 Notice of References Cited.
15. ☒ 2 return receipt postcards.

III. PETITION FOR EXTENSION OF TIME

16. ☐ A copy of the Petition for an Extension of * Month filed in the prior application, Serial No. 09/479,877, filed on 10 January 2000, to extend the life of the prior application to at least the date hereof is enclosed and
- (a) ☐ is being concurrently filed in that prior application.
 - (b) ☐ was previously filed in that application.
 - (c) ☒ is not necessary.
17. ☒ If a Petition for an Extension of Time is necessary and the Petition and/or the check is not enclosed, the Applicant hereby petitions the Commissioner to extend the time for response and charge any fees necessary under 37 C.F.R. 1.17(a)(1)-(5) to Deposit Account No. 210-380, Reference No. 034047.033.1 (95-01B).

IV. CORRESPONDENCE ADDRESS for this application is (37 C.F.R. §1.51(vii)):

Office of the Staff Judge Advocate
U.S. Army Medical Research and Materiel Command
ATTN: MCMR-JA (Ms. Elizabeth Arwine)
504 Scott Street
Fort Detrick, MD 21702-5012

V. STATEMENT AS TO WHETHER INVENTION WAS MADE BY AN AGENCY OF THE U.S. GOVERNMENT OR UNDER CONTRACT WITH AN AGENCY OF THE U.S. GOVERNMENT. (37 C.F.R. §1.51(VIII)):

This invention was made by the United States Army Medical Research and Materiel Command, which is an agency of the United States Government.

VI. CLAIM FOR PRIORITY:

18. ☐ Foreign priority benefits under 35 U.S.C. 119(a)-(d) is hereby claimed of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Foreign Application: Country: Filing Date:

19. ☐ The benefit of priority under 35 U.S.C. 119(e) is hereby claimed of the United States provisional patent application(s) listed below:
20. ☒ The benefit of priority under 35 U.S.C. 120 is hereby claimed of any United States non-provisional patent application(s) listed below:

Serial No.: 08/243,482	Filed: 13 May 1994 Status: Abandoned
Serial No.: 08/788,145	Filed: 24 Jan 1997 Status: Abandoned
Serial No.: 09/479,877	Filed: 10 Jan. 2000 Status: Allowed

VII. METHOD OF FEE PAYMENT

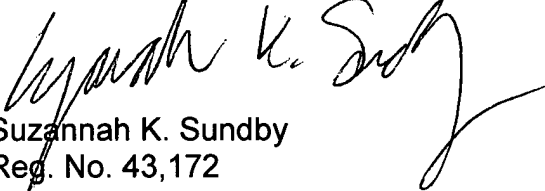
21. ☐ A check in the amount of **\$.00** is enclosed.
22. ☒ Please charge Deposit Account No. **210-380**, Reference No. **034047.033.1 (95-01B)** in the amount of **\$996.00**.
23. ☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **210-380**, Reference No. **034047.033.1 (95-01B)**. A duplicate copy of this sheet is attached.
- (a) ☒ Any additional filing fees required under 37 C.F.R. §1.16.
- (b) ☒ Any patent application processing fees under 37 C.F.R. §1.17.
- (c) ☒ If the Filing Fee is found to be insufficient for any reason, please charge such deficiency to Deposit Account No. **210-380**, Reference No. **034047.033.1 (95-01B)**.
24. ☐ This application is being filed under Rule 53(f) and therefore the
- (a) ☐ Filing Fee

(b) ☐ Declaration

is not enclosed. All authorization to charge Deposit Account No. **210-380**, Reference No. **034047.033.1 (95-01B)** for 35 C.F.R. 1.16 fees previously made is revoked.

It is respectfully requested that, of the two attached post cards, one be stamped with the filing date of these documents and returned to our courier, and the other prepaid postcard be stamped with the filing date and unofficial serial number and returned as soon as possible.

Respectfully submitted,
Smith, Gambrell & Russell, LLP



Suzannah K. Sundby
Reg. No. 43,172

2 February 2004
1850 M Street, NW #800
Washington, DC 20036
202-263-4332